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SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			HESS, DANIEL A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This action is in response to 8/18/05 response and amendment by the applicant.

Response to Arguments

The examiner notes that the claims, as amended, present limitations that were not previously claimed. As such, a new ground of rejection can be fairly made by the examiner in a final action, as is the case with the present action.

The examiner's position with respect to claim 1 can be summarized thus: As was stated in an interview summary, Maritzen et al. (US 2002/0191816) clearly shows having fingerprints associated with accounts.

As for a fingerprint being associated with multiple accounts, this would have been obvious because it is common for a first account to be linked to a second account for, for example, overdraft protection (see e.g. Moebs (US 2005/0065872) paragraph [0017]).

It is common to see a first account associated with a second account in other instances as well. For example, it is common for a child's credit account to be connected with an account of a parent. It is common for individual expense accounts to be linked to the account of a company.

Thus, by showing a single account linked to a fingerprint it is a small extension to note that there may be secondary linkages to other accounts.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10, 12, 15-27, 29-42 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshino (US 6,636,620) in view of Maritzen et al. (US 2002/0191816) and Moebs (US 2005/0065872).

Re claim 1: Firstly, Hoshino falls squarely within the realm of transaction systems. Although Hoshino's discussion of transaction systems, including such client-server systems as ATMs, is primarily in the background (columns 1 and 2 of specification; see especially column 1, lines 25-50), it is clearly conveyed that Hoshino's system is intended to be applied in the realm of such transaction systems. Hoshino discloses (column 4, lines 30-45):

"Each client terminal 30 includes a user input device in the form of a keyboard 42, an IC card reader 44, and a fingerprint sensor, preferably in the form of a semiconductor fingerprint sensor 46 (see FIG. 3). It also includes a communications section 62 for transmitting and receiving information to and from the server 32. The fingerprint sensor may sense information related to a fingerprint using a multiple of small capacitors to detect the ridges and

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valleys of a fingerprint. A client terminal user puts an IC card 48 into a slot of the IC card reader 44. Each IC card 48 stores personal information of the card owner. The stored personal information includes information related to an ID number of the card owner and information related to a fingerprint of the card owner. It is preferred that the fingerprint information be encrypted. ”

In the above description, the IC card is a smart card in communication with the reader. The reader is in communication with the biometric security system, for it performs the critical role of reading fingerprint data associated with an individual which is stored on the IC/smart card. The fingerprint sensor obviously detects a proffered fingerprint sample. Hoshino recites (column 4, lines 45 onward):

The client terminal 30 as illustrated in FIG. 2 carries an authenticator 64 in addition to the IC card reader 44 and the fingerprint sensor 46. The authenticator 64 is electrically connected to the finger print sensor 46 and the IC card reader 44. It compares information related to a sensed fingerprint with the stored fingerprint information on the IC card 48 and produces an authentication signal if the sensed fingerprint information matches the stored fingerprint information. A transmitter 50 is electrically connected to the IC card reader 44 and the fingerprint sensor 46 for transmitting the sensed fingerprint information, the personal information read by the IC card reader 44 and the authenticating signal to the server 32 only if the authenticating signal has been produced. A receiver 52, for receiving an authorization signal

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from the server 32, and a display 54, for indicating that a client terminal user has been approved for accessing the computer of the server 32, are preferably included in the client terminal 30. The keyboard 42 is used by the terminal user for entering information. The transmitter 50 is rendered responsive to the keyboard 42 for transmitting information entered by the keyboard 42 to the computer of the server 32 upon or after receipt of the authorizing signal from the server 32. A controller 56 controls operations of the client terminal 30.

Thus, the device performs authentication using the sample and permits the transaction if a match is detected.

Lacking is an association of a particular fingerprint sample with a particular account.

Maritzen et al. teaches (see notably figure 6a and related description in the specification) that a fingerprint sample can be associated with an individual account.

In view of Maritzen et al.'s teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known association of a fingerprint sample with a particular can because in this way a user can rapidly call up their account in a way that is resistant to fraud.

Marizen associates a single account with a fingerprint, not multiple accounts, as is claimed.

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Moebs teaches (see paragraph [0017]) that one credit account may be linked with others.

In view of Moebs' teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known linkage of one account with an additional account (and in the present case this means that the fingerprint will be associated at least indirectly, with more than one account) because this can allow for overdraft protection, a benefit noted by Moebs ([0017]).

Re claim 2: In the case of Hoshino, the sensor performs authorization via communication, directly or indirectly, with a reader and a network (see figure 5). There are also dozens of known patents which teach a fingerprint sensor on the card itself.

Re claim 3: In the iteration shown in figure 4 of Hoshino, a finite number of scans is performed, namely one.

Re claim 4: (column 5, lines 50-55):

If there is a match, the sensed fingerprint information by the fingerprint sensor 46 and the stored personal information read by the IC card reader 44 are transmitted from the terminal 30 to a server 32 long with an authenticating signal by step S6.

In order to send the sensed fingerprint data over a network, this data must be stored (logged) at least on a temporary basis.

As for a security feature being initiated, at least, access would be denied.

Re claim 5: From the abstract of Hoshino:

“The database stores personal information of the service users. The stored personal information on the database includes information related to fingerprints and ID numbers of the service users. ”

Re claim 6: In figure 5, the database is on a remote server.

Re claim 7: As discussed re claim 4 above, the server system, which is associated with the database, also receives the fingerprint sample.

Re claim 8: See column 4, lines 35-40: “The fingerprint sensor may sense information related to a fingerprint using a multiple of small capacitors to detect the ridges and valleys of a fingerprint.”

These ‘multiple small capacitors’ are additional sensors.

Re claims 9, 31: Hoshino discusses (column 6, line 37) ridges; differentiating among different types of ridges would have been obvious, as well as other features, would have been obvious because this can provide more accurate identification. These features are generally common among detected fingerprints (Kamei US 5,901,239 teaches for example bifurcation and other features). The motive for testing a variety of features is to have more data with which to perform verification.

Re claims 10, 32, 42: With the exception of those two features mentioned under USC 112 above, the claimed features are common among fingerprint sensors. For example, Tuli (US

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5,942,761) teaches detection of body heat in association with fingerprints. The motive for such tests is to verify that the sample is indeed coming from a real live finger.

Re claim 12: At a local level (see figure 2) an authenticator 64 performs comparison in Hoshino.

Re claim 16: As discussed above, the fingerprint information of Hoshino is associated with a user's account information. But in addition, the fingerprint information of Hoshino can also be associated with account information (such as a credit account) because it can be used for authorization related to such an account (see background). Note that this can be an indirect association: for example the fingerprint sample may be associated with a user who is in turn associated with a financial account. Thus the fingerprint is associated indirectly with the financial account.

Re claims 17 and 18: See figure 4 of Hoshino, the claimed arrangement is essentially shown.

Re claim 19: Hoshino does not have any teaching showing explicitly that notification is provided upon detection of a sample. However, the opposite, a failure of the reader to detect a sample, would be evident to the user simply by a lack of response to proffering a fingerprint sample. Positive notification is merely an equivalent. Further, the applicant has not shown that positive notification of sample detection would materially affect the workings of the invention, as compared with what can be considered passive notification.

Re claim 20: Financial transactions have already been discussed re claim 1 above.

Re claims 21, 34: The use of pin numbers is discussed in the background of Hoshino; using this as a secondary verification system would have been obvious, because two separate security measures provide greater security than just one.

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As far as 'sending a signal to said host to notify...' it is understood that if access to the card is blocked due to lack of proper authentication, the host would be well aware of this, because the host is the entity through which authentication takes place.

Re claims 22-24: These limitations are taught in Hoshino; see notably discussion re claims 1-4 above.

Re claim 25: A capacitive scanner has been discussed re claim 8, above.

Re claim 26: Comparing the fingerprint sample with a stored version is at the center of Hoshino's verification system.

Re claim 27: See discussion re claim 6, above.

Re claim 29: See discussion re claim 12, above.

Re claim 30, 44: Hoshino discusses (column 6, line 37) ridges and valleys. These are minutia.

Re claims 33, 41: Storing multiple fingerprint samples is well-known in fingerprint security. For example, it is well known that police files include a *set* of fingerprints rather than just one. The motivation to store and compare multiple fingerprint samples is to achieve a better match than could be achieved with just one.

Re claim 35: See discussion re claim 1 above.

Re claim 36: See discussion re claim 2, above.

Re claim 37: See discussion re claim 8, above.

Re claim 38: See discussion re claim 4, above.

Re claim 39: See discussion re claim 3, above.

Re claim 40: See discussion re claim 4, above.

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Re claim 45: See discussion re claim 5, above.

Re claim 46: See discussion re claim 12, above.

Re claim 47: See discussion re claim 12, above.

Re claim 48: Hoshino discloses (column 4, line 45):

"It is preferred that the fingerprint information be encrypted. "

Re claim 49: As discussed re claim 48, encryption is employed in Hoshino. The use of public and private key is not discussed. However, it was well known in the art at the time of the invention that public and private key encryption was very secure. One would have been motivated to use public and private keys for this reason.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).


Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DH
10/12/2005

**DANIEL STCYR
PRIMARY EXAMINER**

